NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES	Docket Number (Optional) 223002107100

In re Application of
Nicholas M. VALIANTE, Jr.

Application Number 10/762,873	Filed January 21, 2004

For USE OF TRYPTANTHRIN COMPOUNDS FOR IMMUNE POTENTIATION

Art Unit 1617	Examiner Y. S. Chong

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) $ 540.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: $_____

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 03-1952 .

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: INFORMATION ON THIS FORM MAY BECOME PUBLIC. CREDIT CARD INFORMATION SHOULD NOT BE INCLUDED ON THIS FORM. PROVIDE CREDIT CARD INFORMATION AND AUTHORIZATION ON PTO-2038.

I am the

☐ applicant /inventor.

☐ assignee of record of the entire interest.
   See 37 CFR 3.71. Statement under 37 CFR 3.73(b)
   is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.
   Registration number   44,422

☐ attorney or agent acting under 37 CFR 1.34.
   Registration number if acting under 37 CFR 1.34. _____

/Michael G. Smith/
_____
Signature

Michael G. Smith
_____
Typed or printed name

(858) 720-5113
_____
Telephone number

April 6, 2009
_____
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of   1   forms are submitted.

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